

REMARKS

This application has been carefully reviewed in light of the Office Action dated January 25, 2005. Claims 5, 9-10, 17, 21-23, 31, and 40-42 remain pending in this application. Claims 5, 17, 31, and 40 are the independent claims.

On the merits, the Office Action rejected Claims 5, 9, 10, 21-23, and 40-42 under 35 U.S.C. § 102(e) as being anticipated by Reed et al. (U.S. Patent No. 6,275,707; hereinafter "Reed"). Applicant respectfully traverses the § 102(e) rejection for at least the following reasons:

The Office Action relies on Col. 2, lines 38-56 of Reed as the basis for rejecting the limitations of sending a request from the first device to the second device that the second device provide its location to the first device. Rather, Reed's network server 108 for providing information requested by the transceivers fails to recite or suggest at least this limitation. Sending a request from the first device to the second device that the second device provide its location to the first device is not the same as transceivers 122 requesting information from the network server 108. As stated in Col. 2, lines 54-56 of Reed, the network server only provides assisted GPS information (e.g., Doppler, doe phase ephemeris, etc.) and differential GPS information (e.g., position correction information typically due to selective availability and

atmospheric conditions which distort the GPS signals). The network server 108 does not provide the location of itself to a transceiver which is then subsequently used as a position estimate of a transceiver. Looking to Col. 1, lines 27-45 of Reed, it is acknowledged that the network server would be centrally located (e.g., with respect to the cell base stations) and its position would therefore not be a suitable estimate of the position of the transceiver. Nothing in Reed recites or suggests the first device performing a request. Consequently Reed fails to recite or suggest all of the claimed limitations of Applicant's Claims 5 and 17 and Applicant respectfully traverses the § 102(e) rejection and requests its withdrawal.

Claims 9-10 and 21-23 depend from one or another of the independent Claims discussed above and are believed patentable for at least the same reasons. In addition, Applicant believes Claims 9-10 and 21-23, to be independently patentable and request separate consideration of each claim.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application. Applicant's undersigned attorney may be reached by telephone at the number given below.

Respectfully Submitted,

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